

First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO

PREAMEND

LLS NO. 01-0117.01 Pam Cybyske (Julie Hoerner)

HOUSE BILL 01-1066

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HOUSE SPONSORSHIP

Williams S., Borodkin

SENATE SPONSORSHIP

Tupa

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House Committees

State, Veterans, & Military Affairs

Finance

Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING SCHOLARSHIPS FOR AMERICAN INDIANS, AND, IN  
102 CONNECTION THEREWITH, CREATING A SPECIAL LICENSE PLATE  
103 TO FUND SCHOLARSHIPS FOR AMERICAN INDIANS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Authorizes the commission of Indian affairs (commission) to establish an American Indian scholarship program (program). Also allows the commission to establish policies and procedures to administer the program.

Creates the American Indian scholarship fund.

Creates the American Indian scholarship special license plate.

Requires the commission or its designee to submit 250 signatures of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

persons who want this special license plate before the special license plates are produced. Sets conditions on who may qualify for the American Indian scholarship special license plate. Provides for an additional one-time fee of \$10 upon initial issuance for the special license plate to be paid into the highway users tax fund. Requires that all taxes, fees, and laws for other special license plates apply to the American Indian scholarship special license plates.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 44 of title 24, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW PART to read:

4 PART 2

5 AMERICAN INDIAN SCHOLARSHIP PROGRAM

6 **24-44-201. American Indian scholarship program - American**  
7 **Indian scholarship fund - creation.** (1) THE GENERAL ASSEMBLY  
8 HEREBY AUTHORIZES THE COMMISSION OF INDIAN AFFAIRS, HEREIN AFTER  
9 REFERRED TO AS THE COMMISSION, TO APPOINT A DESIGNATED NONPROFIT  
10 ENTITY, AS DEFINED IN SECTION 7-90-102 (40), C.R.S., AND THAT IS  
11 EXEMPT FROM TAXATION UNDER SECTION 501 (c) (3) OF THE FEDERAL  
12 "INTERNAL REVENUE CODE OF 1986", AS AMENDED, TO ESTABLISH THE  
13 AMERICAN INDIAN SCHOLARSHIP PROGRAM. SUCH PROGRAM SHALL BE  
14 ADMINISTERED BY THE DESIGNATED NONPROFIT ENTITY IN ACCORDANCE  
15 WITH THE FOLLOWING:

16 (a) SCHOLARSHIPS SHALL BE GRANTED ONLY TO RESIDENTS OF  
17 COLORADO WHO CAN VERIFY THAT THEY ARE OF AT LEAST ONE-THIRTY-  
18 SECOND AMERICAN INDIAN DESCENT;

19 (b) SCHOLARSHIPS SHALL BE GRANTED BASED UPON NEED; AND

20 (c) THE COMMISSION SHALL CONSULT WITH THE COMMISSION ON  
21 HIGHER EDUCATION TO DEVELOP POLICIES AND PROCEDURES TO GOVERN  
22 THE DESIGNATED NONPROFIT ENTITY'S OPERATION OF THE SCHOLARSHIP

1 PROGRAM. THE FINAL POLICIES AND PROCEDURES SHALL BE ESTABLISHED  
2 BY THE COMMISSION. THE DESIGNATED NONPROFIT ENTITY SHALL  
3 ESTABLISH THE AMERICAN INDIAN SCHOLARSHIP FUND. MONEYS  
4 IN THE FUND SHALL BE DERIVED FROM THE ISSUANCE OF AMERICAN INDIAN  
5 SCHOLARSHIP LICENSE PLATES IN ACCORDANCE WITH SECTION 42-3-115.2,  
6 C.R.S., AS WELL AS OTHER GIFTS, GRANTS, OR DONATIONS.

7 (2) THE COMMISSION SHALL APPOINT A NONPROFIT ENTITY THAT  
8 MEETS THE FOLLOWING CRITERIA:

9 (a) A HISTORY OF FINANCIAL STABILITY VERIFIED THROUGH  
10 INDEPENDENT, ANNUAL AUDITS;

11 (b) EXPERIENCE WITH THE SOCIOECONOMIC FACTORS THAT FACE  
12 AMERICAN INDIANS AND THE METHODS OF ADDRESSING SUCH  
13 SOCIOECONOMIC FACTORS; AND

14 (c) A HISTORY OF SUCCESS IN THE FOLLOWING AREAS:

15 (I) SECURING POST-SECONDARY EDUCATION, INCLUDING BUT NOT  
16 LIMITED TO COMMUNITY COLLEGE COURSES, COURSES AT A FOUR-YEAR  
17 COLLEGE OR UNIVERSITY, OR POST-COLLEGE, GRADUATE COURSES FOR  
18 EITHER THE INDIVIDUAL OR THE INDIVIDUAL'S DEPENDENT;

19 (II) SECURING POST-SECONDARY OCCUPATIONAL TRAINING,  
20 INCLUDING BUT NOT LIMITED TO VOCATIONAL OR TRADE SCHOOL TRAINING  
21 FOR EITHER THE INDIVIDUAL OR THE INDIVIDUAL'S DEPENDENT.

22 (3) THE COMMISSION SHALL DETERMINE, BY GUIDELINE, THE  
23 INSTITUTIONS OF HIGHER EDUCATION ELIGIBLE FOR PARTICIPATION IN THE  
24 SCHOLARSHIP PROGRAM.

25 **SECTION 2.** Article 3 of title 42, Colorado Revised Statutes, is  
26 amended BY THE ADDITION OF A NEW SECTION to read:

27 **42-3-115.2. Special plates - American Indian scholarship**

1 **special license plate.** (1) THE DEPARTMENT SHALL ISSUE ONE OR MORE  
2 SETS OF AMERICAN INDIAN SCHOLARSHIP SPECIAL LICENSE PLATES TO  
3 APPLICANTS UNDER THE REQUIREMENTS OF THIS SECTION FOR PASSENGER  
4 CARS OR TRUCKS THAT DO NOT EXCEED SIXTEEN THOUSAND POUNDS EMPTY  
5 WEIGHT.

6 (2) (a) (I) THERE IS HEREBY ESTABLISHED THE AMERICAN INDIAN  
7 SCHOLARSHIP SPECIAL LICENSE PLATE. THE DEPARTMENT IS AUTHORIZED  
8 TO BEGIN ISSUANCE OF SUCH LICENSE PLATE WHEN THE NONPROFIT ENTITY  
9 DESIGNATED BY THE COLORADO COMMISSION OF INDIAN AFFAIRS,  
10 PURSUANT TO SECTION 24-44-201, C.R.S., HAS COMMITMENTS FOR LICENSE  
11 PLATE PURCHASES FROM AT LEAST TWO HUNDRED FIFTY PERSONS AND  
12 PROVIDES A LIST OF THE NAMES AND ADDRESSES OF SUCH PERSONS TO THE  
13 DEPARTMENT.

14 (II) THE NONPROFIT ENTITY DESIGNATED BY THE COLORADO  
15 COMMISSION OF INDIAN AFFAIRS SHALL COMPLY WITH ANY  
16 RECERTIFICATION PROVISIONS IN SECTION 42-3-122.

17 (III) THE COLORADO COMMISSION OF INDIAN AFFAIRS MAY  
18 ESTABLISH SPECIAL DUES FOR SUCH SPECIAL LICENSE PLATE. IF SUCH  
19 SPECIAL DUES ARE COLLECTED, SUCH MONEYS MAY ONLY BE CREDITED TO  
20 THE AMERICAN INDIAN SCHOLARSHIP FUND CREATED IN SECTION  
21 24-44-201, C.R.S.

22 (b) THE COLORADO COMMISSION OF INDIAN AFFAIRS IS  
23 RESPONSIBLE FOR COORDINATING THE DESIGN OF THE AMERICAN INDIAN  
24 SCHOLARSHIP SPECIAL LICENSE PLATE AND SHALL PAY SUCH COSTS BEFORE  
25 THE LICENSE PLATE IS PRODUCED. THE DESIGN FOR THE SPECIAL LICENSE  
26 PLATE SHALL CONFORM WITH STANDARDS ESTABLISHED BY THE  
27 DEPARTMENT AND SHALL BE SUBJECT TO APPROVAL BY THE DEPARTMENT.

1           (3) (a) ANY PERSON MAY APPLY FOR AN AMERICAN INDIAN  
2 SCHOLARSHIP SPECIAL LICENSE PLATE FOR A MOTOR VEHICLE IF THE  
3 PERSON PAYS THE TAXES AND FEES REQUIRED UNDER THE PROVISIONS OF  
4 THIS SECTION AND PROVIDES THE DEPARTMENT OR AUTHORIZED AGENT A  
5 CERTIFICATE ISSUED BY THE NONPROFIT ENTITY DESIGNATED BY THE  
6 COLORADO COMMISSION OF INDIAN AFFAIRS PURSUANT TO SECTION  
7 24-44-201, C.R.S., THAT SUCH PERSON MEETS THE  
8 QUALIFICATIONS FOR THE LICENSE PLATE ESTABLISHED BY THE NONPROFIT  
9 ENTITY DESIGNATED BY THE COLORADO COMMISSION OF INDIAN AFFAIRS  
10 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3). THE  
11 DEPARTMENT SHALL PREPARE A CERTIFICATE FORM TO BE USED BY THE  
12 NONPROFIT ENTITY DESIGNATED BY THE COLORADO COMMISSION OF  
13 INDIAN AFFAIRS PURSUANT TO SECTION 24-44-201, C.R.S., WHEN  
14 CONFIRMING THAT A PERSON IS ELIGIBLE TO OBTAIN AMERICAN INDIAN  
15 SCHOLARSHIP SPECIAL LICENSE PLATES.

16           (b) THE NONPROFIT ENTITY DESIGNATED BY THE COLORADO  
17 COMMISSION OF INDIAN AFFAIRS PURSUANT TO SECTION 24-44-201, C.R.S.,  
18 MAY ESTABLISH QUALIFICATIONS FOR PERSONS SEEKING TO OBTAIN  
19 SPECIAL LICENSE PLATES UNDER THE PROVISIONS OF THIS SECTION  
20 INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

21           (I) SPECIFIED LEVELS OF CONTRIBUTIONS TO THE AMERICAN INDIAN  
22 SCHOLARSHIP FUND;

23           (II) PAYMENT OF SPECIFIED DONATIONS, INCLUDING SPECIAL  
24 DONATIONS ESTABLISHED FOR THE SPECIAL LICENSE PLATES. THE MONEYS  
25 SHALL BE DEPOSITED INTO THE AMERICAN INDIAN SCHOLARSHIP FUND  
26 CREATED IN SECTION 24-44-201, C.R.S., AND MAY BE EXPENDED ONLY FOR  
27 SUPPORT OF THE AMERICAN INDIAN SCHOLARSHIP PROGRAM.

1           (4) VEHICLES REGISTERED UNDER THIS SECTION SHALL BE SUBJECT  
2 TO ALL OTHER PROVISIONS OF THIS ARTICLE EXCEPT THOSE RELATING TO  
3 THE TYPE OF NUMBER LICENSE PLATES UNDER SECTION 42-3-113.

4           (5) (a) THE AMOUNT OF THE TAXES AND FEES FOR AMERICAN  
5 INDIAN SCHOLARSHIP SPECIAL LICENSE PLATES UNDER THIS SECTION IS THE  
6 SAME AS THE AMOUNT OF THE TAXES AND FEES SPECIFIED FOR REGULAR  
7 MOTOR VEHICLE LICENSE PLATES; EXCEPT THAT THE DEPARTMENT SHALL  
8 COLLECT A ONE-TIME FEE OF TEN DOLLARS FOR EACH MOTOR VEHICLE FOR  
9 ISSUANCE OR REPLACEMENT OF SUCH LICENSE PLATES. THE DEPARTMENT  
10 SHALL TRANSMIT THE ADDITIONAL ONE-TIME FEE TO THE STATE TREASURER  
11 WHO SHALL CREDIT THE SAME TO THE HIGHWAY USERS TAX FUND.

12           (b) AN APPLICANT MAY APPLY FOR AMERICAN INDIAN  
13 SCHOLARSHIP SPECIAL LICENSE PLATES THAT ARE PERSONALIZED UPON  
14 PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION 42-3-114 (7) (a)  
15 FOR PERSONALIZED LICENSE PLATES AND IN CONFORMANCE WITH ALL  
16 OTHER REQUIREMENTS OF SECTION 42-3-114. IF ANY APPLICANT HAS  
17 EXISTING PERSONALIZED LICENSE PLATES FOR A MOTOR VEHICLE, THE  
18 APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS OR NUMBERS TO  
19 A NEW SET OF SPECIAL LICENSE PLATES FOR THE VEHICLE UPON PAYING THE  
20 FEE IMPOSED BY SECTION 42-3-114 (7) (a) AND UPON TURNING SUCH  
21 EXISTING PLATES IN TO THE DEPARTMENT AS REQUIRED BY THE  
22 DEPARTMENT. ANY PERSON WHO HAS OBTAINED PERSONALIZED AMERICAN  
23 INDIAN SCHOLARSHIP SPECIAL LICENSE PLATES UNDER THIS PARAGRAPH (b)  
24 IS REQUIRED TO PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-114 (7)  
25 (b) FOR RENEWAL OF SUCH PERSONALIZED PLATES. THE FEES UNDER THIS  
26 PARAGRAPH (b) ARE IN ADDITION TO ALL OTHER TAXES AND FEES IMPOSED  
27 FOR THE SPECIAL LICENSE PLATES.

1           (6) ANY RENEWAL OF A SPECIAL LICENSE PLATE ISSUED UNDER THIS  
2 SECTION SHALL BE HANDLED IN THE SAME MANNER AS OTHER LICENSE  
3 PLATES UNDER THE PROVISIONS OF SECTION 42-3-112 OR, FOR  
4 PERSONALIZED PLATES, UNDER THE PROVISIONS OF SECTION 42-3-114.

5           **SECTION 3. Effective date.** (1) This act shall take effect  
6 January 1, 2002, unless a referendum petition is filed during the  
7 ninety-day period after final adjournment of the general assembly that is  
8 allowed for submitting a referendum petition pursuant to article V, section  
9 1 (3) of the state constitution. If such a referendum petition is filed  
10 against this act or an item, section, or part of this act within such period,  
11 then the act, item, section, or part, if approved by the people, shall take  
12 effect on the date of the official declaration of the vote thereon by  
13 proclamation of the governor.

14           (2) The provisions of this act shall apply to donations received and  
15 special license plates issued on or after the applicable effective date of this  
16 act; except that section 42-3-115.2 (2) (a) (II), Colorado Revised Statutes,  
17 shall only take effect if House Bill 01-1124 becomes law.